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Via ECF

The Honorable Philip M. Halpern, U
United States District Court
Southern District of New York
300 Quarropas St., Rm 520
White Plains, New York 10601

Application granted.

The time for Plaintiff to seek a default judgment in accordance with this Court's Individual Practices is extended to and including October 14, 2021.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 17.

SO ORDERED.

A handwritten signature of Philip M. Halpern in black ink.

Philip M. Halpern
United States District Judge

Dated: White Plains, New York
October 1, 2021

Re: **Sanchez et al v. The Brother's Contractor, Inc. et al**
7:20-cv-10875 (PMH)

Dear Judge Halpern:

This office represents the Plaintiff in the above-referenced matter, and we respectfully submit this letter to request an extension of time for the Plaintiff to submit his motion for a default judgment against the Defendants, The Brother's Contractor, Inc., and Magno Velesaca, as an individual (collectively, "Defendants"), as a result of their failure to litigate or appear in this matter.

Background

Plaintiff commenced this collective action on December 23, 2020, against Defendants, The Brother's Contractor, Inc., and Magno Velesaca, as an individual, and the Defendants were served personally with the Summons and Complaint on January 7, 2021 (Dkt. No. 7).

To date, however, the Defendants have not answered the Complaint, nor otherwise appeared in this action. Accordingly, our office filed a Request for a Certificate of Default as against Magno Velesaca on May 20, 2021, which was issued and entered by the Clerk on May 21, 2021 (Dkt. No. 12); and as against The Brother's Contractor, Inc., on May 21, 2021, which was issued and entered by the Clerk on May 24, 2021 (Dkt. No. 14).

On August 31, 2021, the Court ordered that by October 1, 2021, Plaintiff shall either: (1) seek a default judgment in accordance with this Court's Individual Practices; or (2) voluntarily discontinue this action – and, in the event Plaintiff fails to take either action, this proceeding will be dismissed without prejudice for failure to prosecute under Rule 41(b). Dkt. No. 15.

As our office is in the process of producing the Plaintiff's Affidavit in support of his motion for a default judgment, which will require more time due to our office's closures throughout the month of September, due to our attorneys' and staffs' observance of the Jewish holidays, Plaintiff

respectfully requests a two (2) week extension of time for Plaintiff to file the motion. If this request is granted, Plaintiff anticipates being able to file all motion papers on or before Thursday, October 14, 2021, and proposes this date as the deadline for Plaintiff to do so, should the Defendants not appear on this matter, answer the complaint, or retain counsel by that time.

This is Plaintiff's first request for an extension of time in this matter.

We thank Your Honor for his consideration in this matter, and we remain available to provide any additional information.

Respectfully submitted,

/s/
Roman Avshalumov, Esq.

CC: All Defendants: (*Via Certified, First Class U.S. Mail*)